

SUPPORT FOR AMENDMENTS

The new claims are supported throughout the specification and by the original claims. Note especially original Claims 16 and 17, as well as original claim 1 and the claims allowed in parent patent U.S. 6,337,077, attached. No new matter has been entered.

REMARKS

The present application is a Continuation of application Serial No. 09/522,106, now U.S. patent 6,337,077. A copy of this parent patent is attached in the form of an Information Disclosure Statement, along with all other references mentioned herein.

As the Examiner will notice, the present continuation is directed to that portion of original Claims 16 and 17 cancelled from the parent patent and relating to the preventing of light-induced ageing and/or environment-related stress of the skin (present Claim 18) and preventing greasy skin (present Claim 28). These aspects of original Claims 16 and 17 have been presented in independent form, and each independent claim contains its own reference to the underlying allowable composition now described in Claim 1 of U.S. 6,337,077.

In view of the fact that each independent method claim herein refers to a use of the allowable composition described in the parent patent, there is no issue with regard to novelty or unobviousness. Under the principles set out in In re Ochiai, 37 USPQ2d 1127 (Fed. Cir., 1995) (attached), the subject matter described in the pending claims represents the patentable use of a new and nonobvious composition.

However, during prosecution of the parent case the Examiner objected, under 35 U.S.C. §112, first paragraph, to the term "preventing," arguing that the specification does not enable any person skilled in the art to use the invention commensurate in scope with these claims.

In response, Applicants respectfully submit that the present application does enable one of ordinary skill in the art to practice the full scope of method Claims 18 and 28 herein. As noted by the claims themselves, the claims simply require applying the novel and unobvious composition to the skin. In addition, the specification provides significant and sufficient guidance with respect to the use of this composition in both preventing light-induced ageing and/or environment-related

stress of the skin, and greasy skin. See for example, Examples 5 and 6 which show the use of the presently claimed composition as regards both greasy skin and the harmful effects of pollution.

One active agent in Applicants' composition is L-2-oxothiazolidine-4-carboxylic acid. As noted in EP 0655245, this active agent is known to affect the intracellular level of Glutathione (GSH). In addition, other publications submitted herewith in the IDS have noted the effect of GSH on the ageing process, and the effect of L-2-oxothiazolidine-4-carboxylic acid on GSH level.

It is thus clear that the presently claimed inventions utilizing L-2-oxothiazolidine-4-carboxylic acid are able to prevent light-induced ageing and/or environment-related stress of the skin, as well as greasy skin.

Skin ageing in general, in particular UV-induced skin ageing, is characterized by a decrease of intracellular GSH. GSH is an anti-oxidant which contributes to the elimination of reactive oxygen species such as peroxides coming from radical-induced reactions (these peroxides are responsible for the degradation of cellular substrates such as lipids and proteins, and lead to skin ageing).

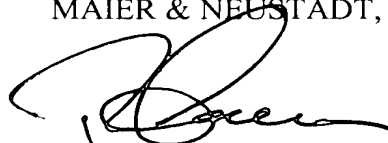
Environmental stress is also caused by reactive radicals present in the atmosphere, such as those coming from oxygen or ozone and pollution. Because GSH is an antioxidant against such species it can prevent the skin from environmental stresses.

In greasy skin the amount of squalene-peroxide is increased. These peroxides leads to an anaerobic medium where acne develops, porphyrin increases, and as a consequence singlet (reactive) oxygen will be formed. This reactive oxygen species initiates oxidation and decreases the amount of oxygen, and acne increases. GSH acts by trapping singlet oxygen and maintaining the oxygen level in the medium such that the phenomenon does not occur.

Thus, and in view of the fact that Applicants' composition contains L-2-oxithiazoladine-4-carboxylic acid, there is no question that one of ordinary skill in the art is capable of practicing the presently claimed methods of preventing light-induced ageing and/or environment-related stress of the skin, and preventing greasy skin, by using the described composition as claimed. In this regard it appears that the Examiner's objection in the parent case was more along the lines of a utility rejection, and Applicants submit that such utility has been adequately demonstrated, both in the specification as originally filed and in view of the above remarks.

Accordingly, and for the reasons presented above, Applicants respectfully request the passage of this case to Issue. Should the Examiner have any questions regarding this case it is requested that they contact Applicants below-signed attorney.

Respectfully submitted,
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MARKED-UP COPY OF CLAIMS
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE CLAIMS

Claims 1-17 (Canceled)

Claims 18-37 (New)